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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MARIO ANIBAL VILLATORO)
NAVARRO,)
a/k/a Amilcar Sanchez Diaz,)
a/k/a Amilcar Diaz,)
a/k/a Amilica Diaz,)
)
Defendant.)

No. CR 10-0653 WHA

**~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER 18 U.S.C. § 3161**

On September 28, 2010, the parties in this case appeared before the Court. The defendant made a motion for new counsel. The Court then continued the matter to October 5, 2010, to allow for the appointment of new counsel. The Government requested an exclusion of time for the period of time between September 28, 2010 and October 5, 2010, from any time limits applicable under 18 U.S.C. § 3161. The Government represented that granting the exclusion would allow the reasonable time necessary for the defendant to seek new counsel, and that the

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1 failure to grant the defendant's request for a continuance would result in a miscarriage of justice.
2 *See* 18 U.S.C. § 3161(h)(7)(B)(i). The Government further represented that the ends of justice
3 served by granting such an exclusion of time outweigh the best interests of the public and the
4 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings
5 consistent with the Government's representations.

6
7 MELINDA HAAG
8 United States Attorney

9 DATED: October 4, 2010


10 /s/
11 LOWELL C. POWELL
12 Special Assistant United States Attorney
13

14 ~~[PROPOSED]~~ ORDER

15 For the reasons stated above and at the September 28, 2010 hearing, the Court finds that
16 the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from
17 September 28, 2010 through October 5, 2010 is warranted and that the ends of justice served by
18 the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
19 U.S.C. §3161(h)(7)(A). Denying the requested exclusion of time would result in a miscarriage of
20 justice. 18 U.S.C. §3161(h)(7)(B)(i).

21
22 IT IS SO ORDERED.

23
24 DATED: October 4, 2010.

25 
26 THE HONORABLE WILLIAM ALSUP
27 United States District Judge
28